

U.S. DISTRICT COURT
SOUTHERD DISTRICT

9.16

J. Hume

Defendants.

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CV 304-095

JURY TRIAL DEMANDED

This is an action under the Age Discrimination in Employment Act of 1967 to correct unlawful employment practices on the basis of age and to provide appropriate relief to Carl Box, (hereinafter referred to as “Box”), who was adversely affected by such practices. The Equal Employment Opportunity Commission alleges that, in November 2002, the City of Dublin Police Department (hereinafter referred to as “Defendant”) failed to hire Carl Box for the position of police officer for which he applied and was qualified based on his age, 57. Instead, Defendants hired substantially younger less qualified males.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 7(b) of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 626(b) (the "ADEA"), which incorporates by reference Sections 16(c) and 17 of the Fair Labor Standards Act of 1938 (the "FLSA"), as amended, 29 U.S.C. §§ 216(c) and 217.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Georgia, Augusta Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of the ADEA and is expressly authorized to bring this action by Section 7(b) of the ADEA, 29 U.S.C. § 626(b), as amended by Section 2 of Reorganization Plan No. 1 of 1978, 92 Stat. 3781, and by Public Law 98-532 (1984), 98 Stat. 2705.

4. At all relevant times, the Defendant has continuously been a law

enforcement agency doing business in the State of Georgia and the city of Dublin and has continuously maintained at least twenty (20) employees.

5. At all relevant times, the Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 11(b), (g) and (h) of the ADEA, 29 U.S.C. §§ 630(b), (g) and (h).

CONCILIATION

6. Prior to institution of this lawsuit, the Commission's representatives attempted to eliminate the unlawful employment practices alleged below and to effect voluntary compliance with the ADEA through informal methods of conciliation, conference and persuasion within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

STATEMENT OF CLAIMS

7. More than thirty days prior to the institution of this lawsuit, Carl Box filed a charge with the Commission alleging violations of the ADEA by the Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

AGE DISCRIMINATION CLAIM

8. Since at least November 2002, the Defendant has engaged in unlawful

employment practices at their Dublin, Georgia facility in violation of § 623(a)(1) of the ADEA, 29 U.S.C. § 623(a)(1). The practices referenced above include failing to hire Carl Box because of his age, 57.

9. The effect of the practices complained of in paragraph 8, above, has been to deprive Carl Box of equal employment opportunities and otherwise adversely affect his status as an applicant for employment because of his age.

10. The unlawful employment practices complained of in paragraph 8, above, were willful within the meaning of Section 7(b) of the ADEA, 29 U.S.C. § 626(b).

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendant, their officers, successors, assigns and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of age against individuals 40 years of age and older.

B. Order the Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for individuals 40 years of age and older and which eradicate the effects of their past and present unlawful

employment practices.

C. Grant a judgment requiring the Defendant to pay appropriate back wages in an amount to be determined at trial, an equal sum in liquidated damages, and prejudgment interest, to individuals whose wages are being unlawfully withheld as a result of the acts described in paragraphs 8, 9, and 10, above, including but not limited to Box.

D. Order the Defendant to make whole all individuals adversely affected by the unlawful practices described above by providing the affirmative relief necessary to eradicate the effects of their unlawful practices, including but not limited to the rightful-place hiring of and/or front pay for Carl Box.

E. Grant such further relief as the Court deems necessary and proper in the public interest.

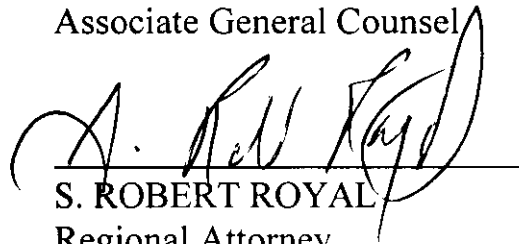
F. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by this Complaint.

Respectfully submitted,

GWENDOLYN YOUNG REAMS
Associate General Counsel



S. ROBERT ROYAL
Regional Attorney
Ga. Bar No. 617505

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION - Atlanta District Office
100 Alabama Street, SW - Suite 4R30
Atlanta, Georgia 30303
(404) 562-6812 - direct
(404) 562-6932 - general
(404) 562-6905 - facsimile